

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,)
Plaintiff,)
v.)
HEALTHY SOLUTIONS, L.L.C., et al.,)
Defendants.)
CAPPSEALS, INC.,)
Plaintiff-in-Intervention,)
v.)
HEALTHY SOLUTIONS, L.L.C., d/b/a)
DIRECT BUSINESS CONCEPTS; ITV)
DIRECT, INC.; and DIRECT)
FULFILLMENT, LLC,)
Intervenor-Defendants.)

Civil Action No. 04-CV-10421-JLT

**CAPPSEALS, INC.'S MOTION FOR LEAVE TO SUBMIT A REPLY MEMORANDUM
IN FURTHER SUPPORT OF ITS
MOTION FOR SANCTIONS AGAINST ITV DIRECT, INC.**

Plaintiff-in-Intervention Cappseals, Inc. (hereinafter “Cappseals”) respectfully moves this Court for leave to file a Reply Memorandum and Supplemental Affidavit of Scott Silverman both submitted herewith in further support of Cappseals Motion for Sanctions filed against ITV Direct, Inc. (“ITV”). Specifically, Cappseals states that certain key issues raised by ITV’s Opposition and the supporting affidavit of Christopher Robertson warrant clarification. Cappseals also asserts that the narrow issues addressed within its Reply Memorandum will assist the Court in analyzing the conduct of ITV and the appropriateness of Sanctions for ITV’s continuing failure to comply with its automatic disclosure requirements and its blatant ambivalence to this Court’s February 1st Discovery Order.

WHEREFORE, Cappseals requests that the Court grant it leave to file the Reply Memorandum and Supplemental Affidavit of Scott Silverman both submitted herewith.

Respectfully submitted,
CAPPSEALS, INC.
By its attorneys,

/s/ Scott A. Silverman

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DATED: March 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing was served on the foregoing attorneys of record pursuant to Fed. R. Civ. P. 5 as follows:

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